

Message Text

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ACTION NEA-06

INFO OCT-01 SS-14 ADP-00 NSC-10 NSCE-00 PM-03 L-02 IO-03

PRS-01 CIAE-00 INR-10 NSAE-00 RSC-01 DODE-00 OMB-01

ORM-01 SR-02 EA-13 SAJ-01 RSR-01 /070 W

----- 119547

R 020933Z AUG 73

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 299

INFO AMEMBASSY DACCA

AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY NEW DELHI

C O N F I D E N T I A L SECTION 1 OF 2 ISLAMABAD 6209

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, PK, IN, BG

SUBJECT: INDO-PAK TALKS

SUMMARY. SOME TENTATIVE AGREEMENT IN PRINCIPLE SEEMS
HAVE BEEN REACHED IN RECENT INDO-PAK TALKS IN ISLAMABAD
ON PACKAGE WHICH COULD DO MUCH TO EASE CURRENT TENSIONS AMONG
PAKISTAN, INDIA AND BANGLADESH. ACCORDING OPP FONSEC, PACKAGE
INCLUDES INDIA'S RETURN OF ALL POWS EXCEPT 195 WHO WOULD BE HELD
"IN TRUST" PENDING DIRECT DISCUSSIONS BETWEEN GOP AND BDG ON
ISSUE OF TRIALS; PAK RELEASE OF ALL DETAINED BENGALIS
EXCEPT 203 SIMILARLY TO BE HELD "IN TRUST"; PAK
ACCEPTANCE OF SOME "TENS OF THOUSANDS" OF NON-BENGALIS
FROM BD, WITH EVENTUAL NUMBER SUBJECT TO FUTURE
DISCUSSION BETWEEN GOP AND BDG; AND PAK ACQUIESCENCE
IN BD ADMISSION TO UN EVEN BEFORE TRIALS ABANDONED,
PROVIDED ALL OTHER POWS HAVE BEEN REPUBAIATED. FONSEC
DESCRIBED HIMSELF AS "CAUTIOUSLY HOPEFUL" THAT GOI WILL
GIVE POSITIVE RESPONSE ON ABOVE PROPOSALS WHEN INDO-
PAK TALKS ARE RESUMED IN DELHI ON AUGUST 18. MUJIB'S
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POSITION IDENTIFIED AS CRUCIAL FACTOR. END SUMMARY.

1. FONSEC SHAHI ASKED ME TO CALL ON HIM AUGUST 2 FOR BRIEFING ON INDO-PAK TALKS IN ISLAMABAD JULY 24-31. AT OUTSET HE HANDED ME AIDE-MEMOIRE DATED AUGUST 1 WHICH STATES GOPHVIEW OF TALKS AND WHICH IS ALSO BEING CONVEYED TO OTHER GOVERNMENTS; SUBSTANCE OF AIDE-MEMOIRE REPORTED NEXT FOLLOWING TELEGRAM.

2. AFTER I HAD COMPLETED READING AIDE-MEMOIRE, FONSEC SAID HE WANTED GIVE ME SOME FURTHER BACKGROUND ON KEY DEVELOPMENTS DURING THE RECENT TALKS. HE NOTED FIRST THAT TALKS WERE UNDERTAKEN ON MUTUAL UNDERSTANDING THEY WOULD BE LIMITED TO HUMANITARIAN ISSUES BUT THIS UNDERSTANDING CAME INTO QUESTION WHEN HAKSAR GAVE PAKS PAPER REGARDING LEGAL POSITION OF NON-BENGALIS IN BD SAID TO BE DESIROUS OF COMING TO PAKISTAN. PAPER STATED BDG POSITION BASED ON PRINCIPLES OF INTERNATIONAL LAW AND BD RIGHTS AS SOVEREIGN STATE; 260,000 PERSONS IN QUESTION WERE NOT BD CITIZENS BUT REMAINED CITIZENS OF PAKISTAN AND GOP COULD NOT DISOWN THEM OR MAKE THEM STATELESS. HAKSAR HAD SAID GOI WAS MUCH IMPRESSED BY BDG POSITION THIS ISSUE AND HOPED GOP WOULD ACCEPT THE 260,000. PAK rejoined that BDG had been guided on this issue by view of its own sovereign national interest more than out of humanitarian considerations, and recalled SWARAN SINGH'S RECENT LETTER URGING THAT LEGALISTIC ARGUMENTS BE ESCHEWED IN INDO-PAK TALKS. BOTH SIDES THEN AGREED TO TURN TO OTHER SUBJECTS BEFORE REVERTING TO NON-BENGALIS.

3. AFTER SOME DISCUSSION, FONSEC SAID, GOP PROPOSED INTERIM FORMULA ON POWS WHICH WAS AGREED TO IN PRINCIPLE BY HAKSAR. IT CALLS FOR GOI TO RETURN ALL POWS LESS 195 (PROPOSED FOR TRIAL BY BDG) WHO WOULD BE HELD "IN TRUST" BY INDIANS UNTIL GOP AND BDG IN POSITION TO DISCUSS AND REACH SETTLEMENT DIRECTLY. AT SAME TIME, GOP WOULD RELEASE ALL BENGALIS NOW DETAINED IN PAKISTAN (GOP ESTIMATES TOTAL AT 157,000) LESS 203 FORMER MILITARY AND CIVILIAN OFFICIAL PERSONNEL WHO WOULD BE HELD BY GOP "IN TRUST" APPARENTLY AS COUNTER TO CONFIDENTIAL

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195 PAK POWS.

4. INDIANS TOLD PAKS THAT MUJIB WAS COMMITTED ON TRIALS AND IT WOULD BE VERY DIFFICULT FOR HIM TO CHANGE POSITION. THEY ALSO EXPRESSED VIEW THAT BD RECOGNITION BY GOP WOULD FACILITATE DISCUSSION WITH MUJIB THIS MATTER. FOR TIME BEING BOTH SIDES AGREED TO SKIRT ISSUE OF TRIALS.

5. RETURNING TO "NON-BENGALIS" IN BD, PAKS THEN TOLD INDIANS GOP WAS PREPARED ACCEPT PERSONS OF WEST PAK DOMICILE, GOP EMPLOYEES AND MEMBERS OF DIVIDED FAMILIES. GOP WAS ALSO PREPARED TO TAKE SPECIAL HARDSHIP CASES ON HUMANITARIAN GROUNDS. UNDER PRESSURE FROM HAKSAR, PAKS SAID ULTIMATE NUMBER TO BE ACCEPTED BY GOP SHOULD BE KEPT OPEN FOR FURTHER DISCUSSION WHEN MUJIB AND BHUTTO MEET. AZIZ AHMED EXPRESSED VIEW THERE WOULD BE FUNDAMENTAL CHANGE IN CLIMATE WHEN VARIOUS OTHER ISSUES SETTLED, INCLUDING BD RECOGNITION AND ADMISSION TO UN. AT THAT TIME, NUMEROUS BENGALIS IN PAKISTAN WOULD WISH TO REMAIN WHERE THEY ARE, AND SAME WOULD APPLY TO NUMEROUS BIHARIS IN BD. BUT GOP COULD CERTAINLY OPEN DOORS TO MORE OF LATTER WHO WOULD ACTUALLY WISH TO COME TO PAKISTAN.

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C O N F I D E N T I A L SECTION 2 OF 2 ISLAMABAD 6209

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6. IT WAS APPROXIMATELY AT THAT POINT IN DISCUSSIONS, FONSEC SAID, THAT HAKSAR TURNED SUBSTANTIALLY TO ISSUE OF GOP RECOGNITION OF BD AND BD ADMISSION TO UN. HAKSAR VOICED RESERVATIONS ABOUT EVENTUAL GOP ACTIONS, RECALL-

ING FALBACK FROM BHUTTO'S STATEMENTS AT SIMLA. PAK SIDE THEN PUT IN WRITING, ON OWN INITIATIVE, STATEMENT TO EFFECT THAT FORMAL RECOGNITION OF BD WOULD FOLLOW WHEN TRIALS WERE DROPPED AND POW REPATRIATION WAS COMPLETE; SIMULTANEOUSLY GOP WOULD SUPPORT BD ADMISSION TO UN. HAKSAR ACKNOWLEDGED THAT RECOGNITION WAS UP TO GOP ALONE, BUT HELD THAT ADMISSION TO UN SHOULD COME WHEN AGREEMENT ON POWS REACHED AND REPATRIATION BEGINS. HE OFFERED VIEW THAT GOI WOULD HAVE TO GO BEFORE FORTHCOMING UNGA SEEKING BD ADMISSION. PAKS RESPONDED THAT GOI APPROACH TO UN WOULD CONSTITUTE ATTEMPT TO INTIMIDATE GOP AND WOULD NOT WORK. THEY NOTED THAT PRINCIPLES EXPRESSED RES. 307 WERE APPLICABLE, CHINA WOULD ACT ON ITS OWN, AND BHUTTO HAD MADE COMMITMENT TO PAK PEOPLE ON TIMING OF RECOGNITION.

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7. HAKSAR SAID HE COULD NOT GIVE FORMAL RESPONSE ON THESE QUESTIONS AND REQUESTED PAKS TO COME TO DELHI ON AUGUST 18 FOR FURTHER DISCUSSIONS. AT THAT POINT IT WAS AGREED THAT HE SHOULD MEET WITH BHUTTO BEFORE DEPARTURE, AND SUCH METING TOOK PLACE EVENING JULY 30. BHUTTO AGREED AT THAT TIME THAT GOP WOULD NOT INSIST ON BD ABANDONMENT OF TRIALS AS REQUIREMENT FOR ADMISSION TO UN. GOP WILL, HOWEVER, INSIST ON REPATRIATION OF ALL POWS EXCEPT 195. BHUTTO TOLD HAKSAR THAT NOT ONLY WILL GOP ACQUIESCE IF LATTER CONDITION MET, BUT GOP WILL TELL CHINA IT CONSIDERS RES. 307 AS HAVING BEEN SUBSTANTIALLY SATISFIED AND WILL APPEAL TO PEKING TO ACQUIESCE IN BD ADMISSION TO UN. FONSEC OFFERED, AS FOOTNOTE, THAT REPATRIATION OF ALL BUT 195 COULD BE COMPLETED IN TWO-MONTH PERIOD AND THAT BD ADMISSION COULD THUS BE EFFECTED AT FORTHCOMING UNGA.

8. SUMMING UP, FONSEC DESCRIBED FOLLOWING "CONCESSION" OFFERED BY GOP IN RECENT TALKS WITH HAKSAR: (W) 195 PAK POWS COULD BE RETAINED BY GOI; MUJIB NEED NOT CANCEL TRIALS NOW, AND ISSUE CAN BE POSTPONED FOR LATER DISCUSSION WITH HIM. (B) ON ACCEPTANCE OF PERSONS NOW IN BD, GOP PREPARED RECEIVE SPECIAL HARD-SHIP CASES WHO WILL NUMBER IN "SOME TENS OF THOUSANDS"; THAT IS A FLOOR FIGURE WHICH IS SUBJECT TO INCREASE IN COURSE OF FUTURE DISCUSSIONS WITH BDG. (C) GOP WILL ACQUIESCE IN UN MEMBERSHIP OF BD EVEN BEFORE TRIALS ARE DROPPED, PROVIDED REPATRIATION OF ALL OTHER POWS IS COMPLETED. IN ADDITION, FONSEC NOTED, GOP MAINTAINED READINESS TO RECOGNIZE BD AFTER TRIALS WERE DROPPED, IN ACCORDANCE WITH BHUTTO'S COMMITMENT

TO NATIONAL ASSEMBLY.

9. FONSEC DESCRIBED HIMSELF AS "CAUTIOUSLY HOPEFUL"
THAT GOI WILL GIVE POSITIVE RESPONSE TO PAK PACKAGE OF
PROPOSED CONCESSIONS WHEN TALKS RESUMED IN DELHI ON
AUGUST 18. HE FEELS THAT GOI WOULD LIKE TO GET THESE
VARIOUS PROBLEMS BEHIND IT SO AS TO BE ABLE MOVE ON
TO OTHER POSITIVE STEPS IN GOI-GOP RELATIONS. CRUCIAL
QUESTION IS WHETHER MUJIB WILL BE PREPARED GO ALONG
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WITH COURSE PROPOSED BY PAKS.
SOBER

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